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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/715,724 09/19/96 WILSON

P 6000

EXAMINER

IM62/0204

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ILUSKA, C

ART UNIT

PAPER NUMBER

1771

DATE MAILED:

02/04/00

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/715,724

Applicant(s)

Wilson et al.

Examiner

Cheryl Juska

Group Art Unit
1771



☒ Responsive to communication(s) filed on Nov 19, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 2-4, 9, 10, 13-15, 17, and 20-22 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 2-4, 9, 10, 13-15, 17, and 20-22 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Continued Prosecution Application

1. The request filed on November 19, 1999, for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/715,724 is acceptable and a CPA has been established.
2. During a telephone conversation with Karen Dellerman on February 2, 2000, it was confirmed that no amendment/response had been filed since the Final Rejection (Paper No. 16). Thus, the following action on the CPA is a repeat of the Final Rejection.

Response to Amendment

3. Applicant's amendments and accompanying remarks filed March 22, 1999 have been carefully considered. The only changes made to the claims is to narrow the range of the sheath content to a maximum of 9%. Lin teaches a minimum of 10% and has an example employing 11%. However, this does not teach or suggest the now claimed range. However, there is prior art already of record which compliments the teachings of Lin and teaches how to employ lower amounts of sheath effectively. As such, Applicant's amended claims are not found to contribute any knowledge to the art and are therefore not found to provide a non-obvious distinction over the prior art.

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Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 2-4, 9-10, 13-15, 17, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin, US 5,447,794 in view of Lijten et al., US 5,468,555.

The features of Lin have been set forth in previous Office actions. Lin discloses Applicant's inventive concept and anticipates nearly the entirety of the claimed invention. That which Lin does not disclose is multilobal filaments and a sheath content of 3% to 9%.

As set forth in earlier Office actions, and not contested by Applicant, the use of multilobal filaments in Lin would have been instantly obvious to one skilled in the art. Furthermore, Lijten et al. at column 3, lines 10-21 evidences the Examiners earlier positions.

Lijten et al. is directed to yarn formed from core-sheath filaments (Title) that are designed to have a uniform sheath which permits the use of lower sheath volumes (Abstract). Column 2 teaches that even as little as 7% sheath or less is effective following their techniques. The patent also teaches that polyamide/polyamide combinations can be used and that the fibers employed can be used in carpets. Furthermore, the patent teaches that the sheath of the disclosed fibers can improve the dye-ability of the filaments when used in carpet fiber, even if the core material is difficult to dye. Thus, one skilled in the art in possession of both Lin and Lijten et al. would have been motivated by improved results and lower costs to modify the Lin fibers by applying the Lijten et al. techniques of producing more uniform sheaths. Such, allows for less sheath material

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to be employed (7% or less), which is a benefit due to its expense in relation the core material which is common nylon, without incurring any adverse effects on performance.

Conclusion


6. This is a CPA of applicant's earlier Application No. 08/715724. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Juska whose telephone number is (703) 305-4472. If attempts to

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reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached at (703) 308-2414. Fax numbers for this Group are (703) 305-3601 and (703) 305-7718.


TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

cj 

February 2, 2000